

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Battenfeld Technologies, Inc.,

Civ. No. 11-883 (MJD/JJK)

Plaintiff,

v.

Birchwood Laboratories, Inc.,

ORDER

Defendants.

Bryan D. Beel, Esq., Cody M. Weston, Esq., Julia E. Markley, Esq., Paul T. Fortino, Esq., and Scott D. Eads, Esq., Perkins Coie LLP; and Paul J. Robbennolt, Esq., Dorsey & Whitney LLP, counsel for Plaintiff.

Dean C. Eyler, Esq., John L. Krenn, Esq., and Jeremy L. Johnson, Esq., Gray Plant Mooty Mooty & Bennett, PA, counsel for Defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated September 15, 2011. No objections have been filed to that Report and Recommendation in the time period permitted. Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Defendant's Motion to Dismiss Plaintiff's First Amended Complaint (Doc. No. 63), is **DENIED**.

Date: September 30, 2011

s/Michael J. Davis
MICHAEL J. DAVIS
Chief Judge
United States District